

REMARKS/ARGUMENTS

INTRODUCTORY COMMENTS:

In the non-final Office Action under reply, the Examiner entered applicants' amendment dated January 28, 2003. In addition, the Examiner appears to have withdrawn all rejections outstanding from the Office Action dated October 28, 2002. However, claims 1, 3, 25, 28, and 30 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,989,402 to Chow et al. ("Chow"), a patent that was previously cited in the Office Action dated May 21, 2002 but not cited in the Office Action dated October 28, 2002.

Claims 2, 4-8, 10-12 and 26 are objected to as being dependent from a rejected base claim, but would be allowable if rewritten in independent form to include all limitations of the base claim and any intervening claims.

The rejections are addressed in part by the above amendments to the claims and are otherwise traversed for reasons that will be discussed in detail below.

THE ABOVE AMENDMENTS:

Claims 1, 25 and 28 have been amended to set forth that the separation units of the invention are each *effective to carry out a different analytical application of interest* and that the microchannel in each separation unit is of *a different length corresponding to the application of interest for the separation unit containing the microchannel*. Support for this amendment can be found in the specification, e.g., on page 3, line 19 to page 4, line 2. Thus, all pending claims are fully supported by the original disclosure of the application, and no new matter has been added.

STATUS OF THE CLAIMS:

Upon entry of the amendments, claims 1-8, 10-12, 25, 26, 28 and 30 are pending, claims 1, 25, and 28 are amended, and claims 2-8, 10-12, 25, 26, and 30 remain unchanged from the response to the previous Office Action.

THE 35 U.S.C. §102(E) REJECTION OVER CHOW:

Claims 1, 3, 25, 28 and 30 stand rejected as anticipated by Chow et al. In issuing this rejection, the Examiner maintains her position from the Office Action of May 21, 2002 and

reasserts that that Chow teaches a microfluidic separation unit comprising a replaceable separation unit having a microfluidic channel. In response to applicants' previous arguments, the Examiner points to column 5, lines 20-25, as disclosing different microfluidic devices having different channel configurations and lengths. In addition, the Examiner points to column 10, lines 25-34 as disclosing the use of adapter plates for interfacing with differently size or configured microfluidic devices. Furthermore, the Examiner states that

different substrates comprising a channel network are going to produce inherently different lengths since no two substrates are manufactured in exactly and precisely the same way. For example, common manufacturing tolerances of channel formation via laser ablation on a substrate will never produce two substrate of 'exactly' the same length, depth, etc.

Applicants respectfully disagree with the Examiner's statements for the reasons set forth in the response dated August 19, 2002. In addition, applicants note that the Examiner has cited no reference supporting her contention that it is impossible to form two channels having the same length given the manufacturing tolerances of channel formation techniques such as laser ablation. Nevertheless, in the interest of expediting prosecution, applicants have amended the claims to clarify that the separation units of the invention are each *effective to carry out a different analytical application of interest* and that the microchannel in each separation unit is of *a different length corresponding to the application of interest for the separation unit containing the microchannel*. That is, the amendment clarifies that the invention does not involve any insignificant microchannel length differences associated with manufacturing tolerances. Chow does not anticipate the claims because the patent does not teach separation units effective to carry out different analytical applications of interest. Accordingly, applicants respectfully request withdrawal of the rejection.

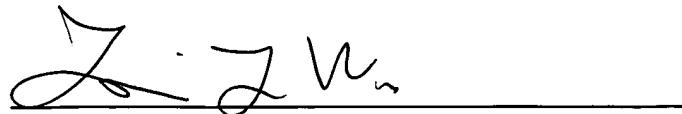
CONCLUSION

For all of the above reasons, it is submitted that the pending claims define an invention that is patentable over the art. As the application should now be in condition for allowance, a prompt indication to that effect would be appreciated.

If the Examiner has any questions concerning this communication, she is welcome to contact Michael Beck at (650) 485-3864.

Respectfully submitted,

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